

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY  D.C.

NOV 28 AM 6:53

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

CAROL TERESA HART, by and
through her parent and next friend,
BEVERLY CAROL HART,

Plaintiffs,

Case No.: 03-2845 D V

v.

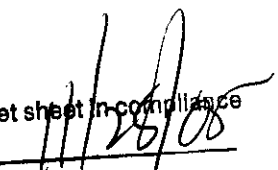
SHELBY COUNTY SCHOOL DISTRICT
and DR. BOBBY WEBB, in his official
capacity as Superintendent,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION, AFFIRMING
THE FINDINGS OF THE ADMINISTRATIVE LAW JUDGE, AND
DISMISSING PLAINTIFFS' COMPLAINT

Before the court is the March 7, 2005 motion of Shelby County School District ("Shelby County") to affirm the finding of the Administrative Law Judge to dismiss Plaintiff's complaint. Beverly Hart, Plaintiff's mother, ("Hart"), filed a written *pro se* response to the complaint. The matter was referred to the Magistrate Judge for a Report and Recommendation. Hart filed the lawsuit on behalf of her daughter, Carol Hart, under the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1401 *et seq.*, and 29 U.S.C. § 794.


For the reasons set forth in the Magistrate Judge's Report and Recommendation, hereby adopted and incorporated herein, the court GRANTS Defendant's motion to dismiss, AFFIRMS the findings of the Administrative Law Judge, and DISMISSES Plaintiffs' complaint pursuant to Rule

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on 

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41(b).

IT IS SO ORDERED this 28th day of November, 2005.


BERNICE BOUIE DONALD
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 73 in case 2:03-CV-02845 was distributed by fax, mail, or direct printing on November 28, 2005 to the parties listed.

Timothy W. Smith
LAW OFFICE OF TIMOTHY W. SMITH
2670 Union Extd.
Ste. 1200
Memphis, TN 38112

Beverly Carol Hart
1614 Sorghum Mill
Cordova, TN 38016

Honorable Bernice Donald
US DISTRICT COURT